

ORDINANCE NO. 73-69

ORDINANCE CREATING REVOCABLE PUBLIC HEALTH TRUST OF DADE COUNTY, FLORIDA DESIGNATING JACKSON MEMORIAL HOSPITAL AND RELATED FACILITIES TO BE GOVERNED BY THE TRUST AND PROVIDING FOR TRANSFERS OF PROPERTY; PROVIDING FOR A BOARD OF TRUSTEES TO BE THE GOVERNING BODY OF THE TRUST, WITH THE COMPOSITION OF THE BOARD, FOR THE MODIFIED APPLICABILITY OF THE CODE OF ETHICS, AND CODE OF ETHICS OF DADE COUNTY, FOR QUALIFICATIONS, APPOINTMENT AND REMOVAL, TENURE, ORGANIZATION, POWERS, AND DUTIES OF THE BOARD, AND FOR PROTECTION OF THE BOARD FROM PERSONAL LIABILITY; ESTABLISHING THE POWERS AND DUTIES OF THE TRUST AND PROVIDING FOR THE TRUST TO ACT IN ITS OWN NAME, TO CONTRACT, TO OWN PERSONAL PROPERTY AND TO HOLD REAL PROPERTY FOR THE COUNTY, TO ESTABLISH A PERSONNEL COMMITTEE WHICH WILL SUBMIT TO THE COUNTY A PLAN FOR THE TRANSFER OF PERSONNEL RESPONSIBILITIES, AND FURTHER PROVIDING FOR THE APPOINTMENT OF MEDICAL STAFF AND THE APPROVAL OF BYLAWS; COMPLIANCE WITH COUNTY-WIDE HEALTH CARE DELIVERY POLICIES, THE ESTABLISHMENT OF RATES AND CHARGES, INTER-GOVERNMENTAL COOPERATION, AND COMPLIANCE WITH LAW; PROVIDING FOR FINANCIAL SUPPORT FOR THE TRUST PURSUANT TO PHASE I AND PHASE II METHODS OF FUNDING, AND ESTABLISHING A PROCEDURE FOR REQUESTING COUNTY AUTHORIZATION TO SPEND BOND PROCEEDS AND FOR REQUESTING THE ISSUANCE OF NEW BONDS AND THE BORROWING OF MONEY BY THE COUNTY, AND FURTHER PROVIDING GENERAL FINANCIAL TERMS OF THE TRUST; PROVIDING FOR SUPPORTING SERVICES SYSTEMS AND ESTABLISHING THREE STAGES FOR THE IMPLEMENTATION OF PURCHASING AND MATERIALS MANAGEMENT PROCEDURES; SETTING FORTH GENERAL PROVISIONS OF THE TRUST, PROVIDING FOR SEVERABILITY AND INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jackson Memorial Hospital and related facilities are a vital health care resource serving the increasing needs of the people of Dade County and are presently owned, operated, and governed by Metropolitan Dade County, Florida, for the benefit of its citizens; and

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WHEREAS, the operation and governance of public health care facilities such as Jackson Memorial Hospital are a vital public purpose requiring the undivided attention of a responsible and competent governing body; and

WHEREAS, it is necessary to create an independent governing body which will devote the large amounts of time and energy required to become knowledgeable in the operation of Jackson Memorial Hospital; which will establish and supervise the implementation of policies; which will achieve a more competitive position for the hospital in attracting paying patients, while fulfilling the commitment to serving the health care needs of indigents; and which will attract funds such as grants, gifts, and endowments to meet the increasing financial requirements of the hospital; and

WHEREAS, it is believed that through the creation of an independent hospital governing body increased efficiencies will permit a reduction in the rate of increasing tax support required for the hospital; and

WHEREAS, a new form of governance will improve the quality and availability of hospital services at Jackson Memorial Hospital and will therefore better serve the hospital's primary purpose of providing primary, secondary, and tertiary medical care to the indigent and to all the people of Dade County; and

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WHEREAS, new standards of hospital governance as promulgated by the federal government and the Joint Commission on Accreditation of Hospitals stress the need for continuing improvement in patient care and the need for a policy making structure that will insure such improvement through the regular and continuing involvement and decision making of a representative, active, and committed governing board; and

WHEREAS, the Board of County Commissioners desires nevertheless to involve several of its members as active participants on the proposed governing board in order to remain informed about hospital activities, to insure quality patient care for all residents, and to continue providing direct stewardship over the use of public funds; and

WHEREAS, the Board of County Commissioners will retain controls over the hospital governing body,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

I HEREBY CERTIFY THAT THE ABOVE MICROGRAPH IS A TRUE COPY OF THE ORIGINAL DOCUMENT AND WAS MICROFILED IN THE REGULAR COURSE OF BUSINESS AND THAT THE PHOTOGRAPHIC PROCESSES USED FOR MICROFILMING WERE ACCOMPLISHED IN A MANNER AND ON MICROFILM WHICH MEETS THE RECOMMENDED REQUIREMENT OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

Section 1. Creation of Trust. There is hereby created and established by authority of Chapter 73-102, Laws of Florida 1973, as an agency and instrumentality of Dade County, a revocable statutory trust the terms of which may be modified by Dade County, which trust shall be named and known as the "Public Health Trust of Dade County, Florida" (hereinafter also referred to as the "trust"). The trust shall be a public body corporate and politic, which, through its governing body, may exercise all those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated.

Section 2. Designated Facilities and Transfer of Property in Trust.

(a) Designated Facilities. The trust, acting through its governing body as hereinafter defined, shall be responsible for the operation, maintenance and governance of the following facilities which are hereby declared to be "designated facilities" as that term is defined and used in Chapter 73-102, Laws of Florida 1973:

Jackson Memorial Hospital and all related facilities and real and personal property used in connection therewith either presently existing or which may come into existence in which Dade County has a legal interest and which are located within the area bounded by NW 15 Avenue on the west, NW 20 Street on the north, NW 7 Avenue on the east, and NW 14 Street on the south; and all facilities and real and personal property which the trust may acquire pursuant to the terms of this ordinance.

By resolution, the Board of County Commissioners may "designate" additional facilities or declassify and remove from the jurisdiction of the trust facilities which have previously been "designated."

(b) Transfer of Property in Trust. Pursuant to the provisions of this ordinance, the trust shall have possession and operating control of, but not title to, all real property within the meaning of "designated facilities," as that term is defined by this ordinance. Title to all items of personal property within the meaning of "designated facilities," as that term is defined by this ordinance, shall be transferred to the trust to be held in trust pursuant to the provisions of this ordinance, provided however, that the trust shall be empowered to sell or otherwise lawfully dispose of such personal property. A complete inventory of all real and personal property within the jurisdiction of the trust shall be compiled by the County Manager no later than sixty (60) days following the effective date of this ordinance, and the trust shall within sixty (60) days of the receipt of said inventory give to Dade County a receipt for all personal property received.

Section 3. Governing Body.

(a) Composition. The governing body of the trust shall be a Board of Trustees comprised of 15 voting members, one of whom shall half be a member of the University of Miami, Board of Trustees. Additionally, the following shall be non-voting, ex officio members of the Board of Trustees: three County Commissioners who shall be selected by the Board of County Commissioners, hereinafter referred to as "commissioner trustees"; the County Manager or his designate; the Executive Director of Jackson Memorial Hospital, the Vice-President of Medical Affairs, University of Miami School of Medicine, and the President of the Jackson Memorial Hospital Medical Staff.

(b) Qualifications. Each member of the Board of

Trustees shall be a United States citizen and duly qualified elector of Dade County and shall be of an outstanding reputation for integrity, responsibility, and commitment to serving the community. Before entering upon the duties of office, each appointee to voting membership on the Board of Trustees shall give bond in the amount of \$100,000 to the Clerk of the Commission for the faithful performance of the duties of office and shall take the prescribed oath of office. Trustees shall serve without compensation but shall be entitled to reimbursement for necessary expenses, including the expense of performance bonds, incurred in the discharge of their duties.

(c) Modified Applicability of Conflict of Interest and Code of Ethics Ordinance. The Metropolitan Dade County Conflict of Interest and Code of Ethics Ordinance (hereinafter referred to as the "Conflict of interest Ordinance"), Section 2-11.1 of the Code of Metropolitan Dade County, Florida, shall be applicable to the members of the Board of Trustees of the Public Health Trust only in the manner and to the extent hereinafter provided. It is declared to be the intent of the Commission, as expressed in this subsection, to provide that the Conflict of Interest Ordinance shall not operate to preclude individuals from serving as trustees on the basis of interests relating to Dade County when such interests do not conflict with the Trust.

Wherever in the Conflict of Interest Ordinance reference is made to Dade County, that reference shall be deemed and construed to be a reference to the Public Health Trust; wherever in the Conflict of Interest Ordinance reference is made to the Board of County Commissioners, that

reference shall be deemed and construed to be a reference to the Board of Trustees of the Public Health Trust; and wherever in the Conflict of Interest Ordinance reference is made to the Commissioners of the Board of County Commissioners, that reference shall be deemed to be a reference to the voting members of the Board of Trustees of the Public Health Trust.

(d) Appointment and Removal of Trustees. Voting trustees shall be appointed by resolution of the Board of County Commissioners after having been selected by the Commission from persons nominated by the Comprehensive Health Planning Council of South Florida. The Comprehensive Health Planning Council shall be requested to submit to the Commission no later than fifteen (15) days prior to the date on which appointments are to be made, a total of names which is equal to three (3) times the number of voting trustees to be appointed. The Comprehensive Health Planning Council and the Board of County Commissioners shall in the nomination and appointment of members of the Board of Trustees, give careful consideration to the advocacy needs of medically indigent persons.

The Commission shall be the only body authorized to appoint voting trustees, and, in the event of a vacancy during the term of a trustee, shall be authorized to fill such vacancy for the remainder of the term in accordance with the nominating procedure described herein. A trustee may be removed by the Board of County Commissioners for good cause and after proper hearing by vote of six (6) members of the Commission. Whenever any member of the Board of County Commissioners serving as one of the three commissioner trustees specified in subsection (a) of this section shall cease to be a commissioner, another commissioner shall be selected by the Commission to fill the vacancy for the remainder of the commission trusteeship term.

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(e) Tenure of Trustees: The voting trustees shall serve staggered terms of three (3) years each, provided, however, that of the original Board of Trustees, one-third shall be selected for a term of one (1) year and one-third (1/3) shall be selected for a term of two (2) years. No voting trustee shall be permitted to serve more than three (3) complete terms of three (3) years each.

(f) Organization, Powers and Duties of the Board of Trustees:

The Board of Trustees shall organize after the members thereof have qualified to serve and shall elect one (1) of its voting members as chairman and one (1) of its voting members as vice-chairman and shall designate a secretary who may or may not be a member of the board.

The Board of Trustees shall hold regular monthly meetings in accordance with the bylaws of the trust and the board may hold such other meetings as it deems necessary. All meetings of the board shall be public and written minutes of the proceedings thereof shall be maintained by the board. All actions taken at the meetings of the board shall be promptly and properly recorded. Copies of all minutes and resolutions of the board shall be forwarded to the Clerk of the Board of County Commissioners not later than ten (10) days subsequent to any meeting of the Board of Trustees. The official county policies relating to the attendance of regular board meetings shall be applicable to members of the Board of Trustees.

In exercising the powers and carrying out the duties otherwise provided by this ordinance, the Board of Trustees shall have the powers, duties, and responsibilities customarily vested in trustees and, to the extent consistent therewith, shall also have the powers, duties, and responsibilities customarily vested in the board of directors of a private corporation.

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The Board of Trustees shall make and adopt bylaws and rules and regulations for the board's governance and for the operation, governance, and maintenance of designated facilities. Such bylaws, rules and regulations and amendments thereto shall not be valid until approved by the Board of County Commissioners and shall not be inconsistent with ordinances of the county. The Board of Trustees shall be empowered to appoint a chief executive officer of the trust and to remove such an appointee.

As governing body of the trust, the Board of Trustees shall exercise supervisory control over the operation, maintenance, and governance of all designated facilities and of all functions and activities taking place in connection with the operation of designated facilities.

(g) Protection from Personal Liability. The trustees shall be included as insured persons within the terms of the comprehensive general and professional liability insurance policies of the county for the protection of individual members of county boards while such members are acting within the scope of their duties. The trustees shall while acting within the scope of their duties also be entitled to personal liability protection to the same extent that members of other county boards have such protection, from funds set aside by the county to satisfy claims not payable from insurance proceeds by virtue of loss deductible clauses in liability insurance policies. The Board of Trustees shall be empowered to obtain such additional trustees' liability insurance as the board shall determine to be necessary, and the expense of such insurance shall be an expense of the trust.

Section 4. Powers and Duties of the Trust. It is declared to be the policy of the Board of County Commissioners that the assumption by the trust of administrative responsibilities relating to designated facilities but heretofore carried out by agencies of the county other than Jackson Memorial Hospital shall be pursuant to a gradual transition to take place over a period of two (2) years from the effective date of this ordinance. In connection with its

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responsibilities for the operation, maintenance, and governance of designated facilities, the trust, acting through its governing body, shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided.

(a) Power to Act. The trust shall be empowered to sue and be sued, to plead and be impleaded, to contract and be contracted with, and to have an official seal and alter the same. This provision shall not be construed to in any way affect the laws relating to governmental immunity.

(b) Contracts. Except as otherwise provided by this ordinance, the trust, as an agent and instrumentality of Dade County, Florida, shall be authorized to act for Dade County in the performance and enforcement of all contracts pertaining to designated facilities and existing on the effective date of this ordinance, and shall additionally be empowered to negotiate and execute, subsequent to the effective date of this ordinance, such contracts as are properly within the powers and duties of the trust.

The contractual powers of the trust shall be subject to the following limitations:

(1) The trust shall not, without the prior approval of the Board of County Commissioners, enter into or amend any contract which shall require the expenditure of funds in excess of the amounts appropriated in the contractual services category of the section of the county budget pertaining to the operation of the trust.

(2) The trust shall not, without prior approval of the County Commission, enter into or alter any contract the effect of which is to change the contractual relationship between Dade County and the University of Miami as set forth in the contract between the university and the county entered into on December 18, 1952, and amended on June 15, 1954, September 28, 1954, and January 6, 1959.

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(3) The trust shall not be authorized to enter into a contract with any labor union or other organization representing employees without first having obtained the approval of the Board of County Commissioners.

It is specifically provided that contracts and amendments thereto executed by the trust, or other obligations incurred by the trust, shall not be binding upon Dade County. In the event that the trust shall be revoked, obligations of the trust shall only be enforceable against Dade County to the extent that such obligations would have been enforceable with regard to personal property which was in the possession of the trust and with regard to business income which would have come into the possession of the trust had the trust not been revoked.

The trust shall comply with the formal bid requirements of Section 4.03 (D) of the Charter of Metropolitan Dade County, Florida, and for such purpose the term "Board" as used in Section 4.03 (D) shall be construed to be "Board of Trustees" and the term "Manager" shall be construed to be "chief executive officer of the trust".

(c) Property. The trust shall have the authority to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property. The trust shall subject to prior approval of the County Commission be authorized to purchase or otherwise obtain real property, the title to which shall be vested in Dade County and the possession and operating control of which shall be held in trust for Dade County under the provisions of this ordinance.

The trust shall not be authorized to sell, convey, mortgage, or otherwise impair or encumber the title to real property; provided however, that the trust shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. The leasing of any real property by the trust as lessor shall be in accordance with the requirements of Section 125.35, Florida Statutes.

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The trust shall not, without having previously obtained the approval of the Commission, destroy, replace, or abandon real property. The trust shall be authorized to maintain and repair designated facilities and may alter, modify, or make additions to designated facilities whenever such changes are necessary for the proper operation and maintenance of such facilities.

(d) Personnel. The trust shall be empowered to appoint, remove, and suspend employees or agents of the trust, to fix their compensation, and to adopt personnel and management policies. The trust shall not, however, assume responsibility for or exercise control over the functions heretofore performed by the County Personnel Department with regard to employees working in designated facilities until such time as a personnel plan shall have been submitted to and approved by the Commission in accordance with this section.

(1) Personnel Committee.

The trust shall establish a committee composed of representatives of the Board of Trustees, hospital management, and the County Personnel Department. This committee shall consult with hospital employees and employee representatives and shall submit to the Board of Trustees a plan for transfer to the trust of all County personnel functions in relation to designated facilities. This plan, along with the recommendations of the Board of Trustees, shall be submitted to the Board of County Commissioners no later than six months following the commencement of operation of the trust.

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The committee shall seriously consider the recommendations relative to personnel contained in The Feasibility of Autonomous Governance for Jackson Memorial Hospital, a report by the Interim Governing Board for Jackson Memorial Hospital. The plan to be submitted by the committee shall provide for the preservation and continuation of benefits which are in all respects equal to or greater than those benefits to which employees working in designated facilities shall be entitled as employees of the county. In particular, employees shall be entitled to continue their participation in either the State and County Officers and Employees Retirement System or the Florida Retirement System or both such retirement systems. The personnel plan shall assure employees a process of appeal with regard to disciplinary or other official action.

(2) Personnel Policies.

The trust shall work directly with the County Personnel Department to establish and maintain personnel policies and salary scales that are reasonably consistent with county personnel policies and salary scales. The two major factors which shall be controlling in determining salary rates are the existing and proposed salary and employee benefit plans of the county and the prevailing salary and employee benefit plans of health care facilities in the community.

The County Labor Relations Office and the County Personnel Department shall be permitted to participate in the negotiation of labor agreements with organizations representing employees, however, the Board of Trustees and the management of designated facilities shall be authorized to assume the primary role in such negotiations.

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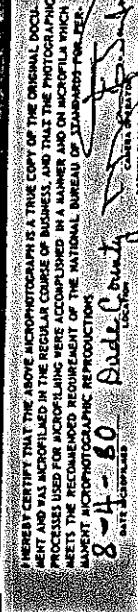
(e) Appointment of Medical Staff and Approval of Bylaws.

The trust shall appoint the staff of physicians to practice in designated facilities and shall require that the bylaws, rules, and regulations of the medical staff of such facilities be submitted to the Board of Trustees for approval. Such bylaws, rules, and regulations shall be in accordance with the standards of the Joint Commission on Accreditation of Hospitals.

(f) Health Care Delivery Policies. The trust shall comply

with the policies established by the Board of County Commissioners for the admission of hospital patients and the determination of the indigent status of patients, and shall further comply with policies for county-wide health care delivery as such policies may be established by the Board of County Commissioners. Before establishing policies relating to hospital admissions, medical indigency status, and county-wide health care delivery, the Commission shall first consult with the Board of Trustees. When establishing or changing policies relating to hospital admissions, medical indigency, or county-wide health care delivery, the Commission shall make sufficient provision in the county budget for the financial support necessary to carry out such policies.

(g) Rates and Charges. The trust shall be empowered to establish rates and charges for those persons using the facilities of or receiving care or assistance from the trust and to collect money pursuant



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to such rates and charges. Rates and charges shall be based upon the following factors: costs of services and supplies rendered, the prevailing rates and charges of health care facilities in the community, and the goal of minimizing the dependence upon tax revenues.

(h) Acceptance of Gifts. The trust shall have the authority to accept gifts of money, services, or personal property. Subject to the prior approval of the Commission, the trust may accept gifts of real property. All gifts shall be held in trust pursuant to the provisions of this ordinance.

(i) Intergovernmental Cooperation. The trust shall have the authority to cooperate with and contract with any governmental agency or instrumentality, federal, state, county, or municipal.

(j) Compliance with Law. The trust shall comply with all laws of the United States, the State of Florida, and Dade County, including but not limited to the laws relating to the expenditure of funds and the keeping of records and inventories.

Section 5. Financial Support for the Public Health Trust. The trust shall establish a fiscal year which coincides with that of Metropolitan Dade County, and the County shall provide the trust with financial support pursuant to the official County budget, for the fiscal year of October 1, 1973.

1 CERTIFY THAT THE ABOVE MICROPHOTOGRAPH IS A TRUE COPY OF THE ORIGINAL DOCUMENT AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS AND THAT THE PHOTOGRAPHIC PROCESSES USED FOR MICROFILMING WERE ACCOMPLISHED IN A MANNER AND ON MICROFILM WHICH MEETS THE RECOMMENDED REQUIREMENT OF THE NATIONAL MICROFILM ORGANIZATION FOR EVIDENCE PRESERVATION.

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through September 30, 1974, the trust shall operate pursuant to the official County budget and amendments thereto. For each fiscal year subsequent to that of 1973-1974, the trust shall submit to the Board of County

Commissioners no later than the first day of the April next preceding such fiscal year a trust budget request pertaining to operating and capital expenditures, which request shall not be implemented until approved by the Board of County Commissioners.

The trust budget request shall be prepared on official county budget forms in a format prescribed by the County Manager, shall be reviewed in a manner similar to that in which requests of other County departments are reviewed, and shall be incorporated in the proposed budget submitted to the Commission on June 1st. The methods by which Dade County shall provide financial support to the trust shall be hereinafter described. Nothing contained herein shall be construed to prohibit the trust from submitting to the Commission supplemental budget requests which, if approved by the Commission, shall constitute amendments to the official County budget.

(a) Phase I Method of Funding. Beginning with the effective date of this ordinance, Dade County shall provide funds for the trust by continuing to pay with regard to designated facilities all employee payroll and fringe benefit expense (including expenses for insurance, social security, retirement, workmen's compensation, and tuition refund) and interest and principal on capital indebtedness. Additionally, the County may pay indirect expense for "supporting services" as that term is used in Section 6 of this Ordinance and may also pay for supplies, equipment and contractual

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services. All other expenses shall be paid from funds received by or held on account for the trust. The trust shall make a monthly accounting to Dade County which shall be submitted no later than the 25th day of the month next succeeding and pursuant to which the trust shall refund to the County the amount of the cash balance of the trust on the final day of the preceding month. The system of funding described in this paragraph is referred to hereinafter as the "Phase I" method of funding.

(b) Phase II Method of Funding. The trust shall develop for implementation during the 1975-1976 fiscal year accounting, budgeting, and financial management systems which will enable Dade County to provide the trust with funding through payments based upon the cost of services and supplies provided to medically indigent persons and based upon such other appropriate costs as the County Manager shall have approved. The implementation of the Phase II method of funding shall be subject to review by the County Manager and approval by the County Commission. The system of funding described in this paragraph is referred to hereinafter as the "Phase II" method of funding. At such time as the County shall begin the "Phase II" method of funding the trust, the existing Phase I method shall be discontinued to the extent consistent with sound fiscal policy.

(c) Spending of Bond Proceeds, Issuance of New Bonds, and Borrowing of Money. The trust shall not be empowered to make expenditures of any monies derived from the sale of bonds by Dade County unless the trust shall have been specifically authorized by the Board of County Commissioners to make such expenditures. The trust shall be permitted to request the County Commission to effectuate the issuance of bonds or the borrowing of money by submitting to the Commission a duly enacted resolution of the Board of Trustees. The Commission shall consider any such resolution requesting the issuance of bonds or the borrowing of money, however, the Commission shall be under no obligation to take affirmative action upon such requests.

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(d) General Financial Provisions. The County shall convey to the trust all accounts receivable pertaining to the designated facilities, and the trust shall be subject to, assume the liability for, and be authorized to pay all accounts payable pertaining to the designated facilities. The trust shall have the authority to establish necessary banking accounts in its own name and to make cash disbursements. The trust shall make an annual report and an audited accounting to Dade County for all receipts and disbursements of money during each fiscal year, which accounting shall be submitted to the Board of County Commissioners no later than ninety (90) days subsequent to the close of such fiscal year and which accounting shall be in a manner consistent with and in a format pursuant to that prescribed by the County Manager.

The Internal Auditor of Dade County shall at all times have the right to audit all records of the trust, and the external auditor of the County, at the direction of the Board of County Commissioners, shall be empowered to audit all records of the trust.

Section 6. Supporting Services. Except as otherwise provided by this ordinance, the trust shall be authorized to develop and implement the supporting services systems necessary for carrying out the trust's responsibilities. Such supporting systems shall include but shall not be limited to budgeting and accounting, insurance and safety, printing, delinquent account collections, information and computer services, architectural design and construction support services, security, physical maintenance, purchasing and materials management, and legal services. Supporting services may also be purchased from individuals or organizations or obtained from the County in a manner consistent with the method of County funding of the trust. Before obtaining any supporting services from a source other than

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Dade County, the trust shall determine the availability, cost advantage, and management advantage of obtaining such services from the county on a fee-for-service basis.

(a) Purchasing and Materials Management. The trust shall develop procedures for purchasing supplies, equipment, and services and for managing materials and shall implement such procedures subject to the approval of the County Manager. The implementation of the purchasing procedures shall take place in three stages and over a period of eighteen months or such other time as is in accord with sound management policy. During the first stage of implementation the trust may make only emergency purchases in amounts of less than \$1,000.00 each. During the second stage of implementation the trust may make all purchases in amounts of less than \$1,000.00 each. Full authority for all purchasing of supplies, equipment, and services shall be exercised by the trust during the third stage of implementation. Formal bid procedures as provided by this chapter shall be followed.

(b) Collections, Security, and Legal Services. From the effective date of this ordinance the trust shall continue to utilize the services of the county with regard to delinquent account collections, security, and legal services. Whenever it shall be determined by the trust that collections, security, or legal services should be provided by a source other than Dade County the trust shall submit to the County Manager a plan whereby the responsibility for providing any such service shall be gradually transferred from the county to the trust or other source specified by the trust. Upon approval by the County Manager of such a plan the trust may proceed to obtain the aforementioned services in accordance therewith.

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Section 7. General Provisions of the Trust. It is the intent of the Board of County Commissioners to create by this ordinance and for the purposes set forth herein a trust which may be modified or revoked in whole or in part by duly enacted ordinance of the Commission. The beneficiaries of the trust shall be the people of Dade County who, with regard to the trust, shall be represented only by the Board of County Commissioners.

The County Manager shall at all times be empowered to conduct an administrative audit of designated facilities. Legal opinions by the County Attorney's Office pertaining to this ordinance and trust and to Chapter 73-102, Laws of Florida, 1973, shall be binding upon the trust.

The transfer of assets to the trust constitutes a taking over in part of the function of the Board of County Commissioners by the Public Health Trust of Dade County, Florida. Pursuant to this ordinance, the trust is not to be restricted in the free use of the designated facilities and it is contemplated that the trust will use the facilities to the extent of their useful lives. The trust is not required to make any payments or give any consideration to Dade County, however, the trust shall be required to properly maintain the designated facilities and, except as otherwise provided by this ordinance, may make necessary improvements to such facilities.

Section 8. Severability. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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Section 9. Inclusion in Code. It is the intention of the County Commission and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 10. Effective Date. The provisions of this ordinance shall become effective ten (10) days after the date of enactment and the operation of the trust shall begin on October 1, 1973, or at such subsequent time as nine (9) voting members of the Board of Trustees shall have been appointed and shall have fulfilled the necessary prerequisites to taking office.

PASSED AND ADOPTED: July 30, 1973.

Approved by County Attorney as to form and legal sufficiency. *[Signature]*

I HEREBY CERTIFY THAT THE ABOVE MICROPHOTOCOPY IS A TRUE COPY OF THE ORIGINAL DOCUMENT AND WAS MICROFILED IN THE REGULAR COPIES OF BUSINESS, AND THAT THE PHOTOGRAPHIC PROCESSES USED FOR MICROFLMING WERE ACCOMPLISHED IN HARMER AND OR MICROFILM UNITS, MEETS THE RECOMMENDED REQUIREMENT OF THE NATIONAL BUREAU OF STANDARDS FOR MAINTAIN MICROPHOTOGRAPHIC REPRODUCTIONS  
8-4-60 Dade County  
Date: [Signature]  
Deputy Clerk of Court  
[Signature]

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STATE OF FLORIDA )  
COUNTY OF DADE )

I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for  
Dade County, Florida, and Ex-Officio Clerk of the Board of County  
Commissioners of said County, DO HEREBY CERTIFY that the above and  
foregoing is a true and correct copy of following denoted ORDINANCE  
of Dade County, Florida, as appears of record.

ORDINANCE NO. 73-69, adopted by the said Board of  
County Commissioners at its meeting held on MAY 30, 1973.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal  
on MAY 15 1980 A.D. 1980

RICHARD P. BRINKER, Ex-Officio Clerk  
Board of County Commissioners  
Dade County, Florida

By /s/   
Deputy Clerk

SEAL